香港申訴專員公署

Office of The Ombudsman, Hong Kong

主動調查報告

Direct Investigation Report



食物環境衞生署及建築署對公廁的管理和維修

Management and Repair of Public Toilets by Food and Environmental Hygiene Department and Architectural Services Department

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1

INTRODUCTION

1.1 Since its establishment in 2000, the Food and Environmental Hygiene Department ("FEHD") has outsourced street cleansing services (which include cleansing services for public toilets) to street cleansing contractors ("contractors"). As at September 2020, there were 808 public toilets across the territory under FEHD's management. Cleansing services for 610 public toilets are provided by contractors ("outsourced toilets"). Those for the remaining 198 public toilets located in the New Territories and outlying islands are directly provided by FEHD ("directly managed toilets").

1.2 FEHD contractors provide minor repairs and maintenance for public toilets (such as replacement of water closet seats and repair of locks of toilet compartment doors) in accordance with the terms and conditions of service contracts. Repair and maintenance works outside the scope of service contracts (e.g. repairing external walls and drainage works) and all repair and maintenance for directly managed toilets [1] would be referred to the Architectural Services Department ("ArchSD") for follow-up. Every year, FEHD draws up a list of public toilets to undergo refurbishment for ArchSD's actions depending on the amount of Government funding allocated to public toilet refurbishment for the year.

1.3 Media reports from time to time reveal the poor hygiene condition, dilapidated facilities and damaged items pending repairs in some public toilets. The situation not only causes inconvenience to users, but also affects tourists' impression of Hong Kong.

1.4 In view of the importance of public toilet management to people's daily lives and its possible impact on Hong Kong's reputation as a metropolitan, The Ombudsman, pursuant to section 7(1)(a)(ii) of The Ombudsman Ordinance, decided to launch a direct investigation and so announced on 15 May 2019 against FEHD and ArchSD to examine their mechanism and efforts relating to public toilet management and repair, with a view to making recommendations for improvement where necessary.

SCOPE OF INVESTIGATION

1.5 The scope of this direct investigation covers:

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[1] Except those installations under the responsibility of the Electrical and Mechanical Services Department.

- whether the public toilet cleansing services provided by FEHD contractors and by FEHD directly are proper and adequate;

- whether FEHD has been handling properly complaints about public toilets and cases of vandalism of public toilet facilities;

- whether ArchSD has been providing efficient repair and maintenance services for public toilets;

- whether cooperation and communication between FEHD and ArchSD regarding repair, maintenance and refurbishment of public toilets are adequate; and

- other areas for improvement.

PROCESS OF INVESTIGATION

1.6 On 30 March 2021, we issued a draft investigation report to FEHD and ArchSD for comments, which we subsequently received on 26 and 19 April 2021 respectively. Upon considering and incorporating their comments as appropriate, we completed this final report on 11 May 2021.

2

PUBLIC TOILET CLEANSING SERVICES PROVIDED BY FEHD CONTRACTORS

OUTSOURCED PUBLIC TOILET CLEANSING SERVICES

2.1 Cleansing services for streets in Hong Kong are largely provided by contractors engaged by FEHD through a tendering mechanism. Since its establishment in 2000, FEHD has been outsourcing street cleansing services to cleansing contractors in the form of service contracts. At present, around 80% of all street cleansing services[2] are provided by contractors, covering mainly the busier streets and including both scavenging and street washing services. Public toilet cleansing services form part of the street cleansing services. The contract management staff of the 19 District Environmental Hygiene Offices ("DEHOs") under FEHD are tasked with the supervision of street cleansing services (including public toilet cleansing services) provided by street cleansing contractors.

2.2 As at September 2020, FEHD has awarded in total 35 street cleansing service contracts to four contractors. In respect of staff composition, the four contractors currently employ altogether 8,170 cleansing workers and 793 foremen. In the 19 DEHOs, there are 439 officers responsible for the day-to-day monitoring duties, including 19 Senior Health Inspectors ("SHIs"), 57 Health Inspectors ("HIs"), 24 Overseers and 339 Senior Foremen ("SF"). Since public toilet cleansing services form part of the street cleansing services, FEHD has not maintained a separate breakdown of the manpower engaged by its contractors and the Department itself for providing public toilet cleansing services. On the whole, contractors are responsible for about 80% of the street cleansing services (including public toilet cleansing services) in Hong Kong. FEHD would monitor their performance in accordance with the service contracts.

2.3 Data about outsourced toilets and directly managed toilets are shown in the table below.

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[2] The "percentage of outsourced street cleansing services" refers to the percentage of street cleansing workers employed by contractors over the total number of all street cleansing workers (i.e. contractor workers plus FEHD workers). The remaining 20% of street cleansing services, covering mainly streets in the suburb and non-busy streets, are provided by FEHD in-house staff.

Table 1: No. of outsourced toilets and directly managed toilets
(as at September 2020)

No. of outsourced toilets	610 (75%)	No. of toilets with attendant(s): 284 No. of toilets without an attendant: 326
No. of directly managed toilets	198 (25%)	None has an attendant
Total	808 (100%)	

2.4 The contractors must deploy workers to cleanse each of the outsourced toilets every day. They are also required by FEHD to deploy cleansing staff (called "attendant") to station at each public toilet with high utilisation rates (i.e. 300 or more visitors a day) to provide immediate cleansing services. Attendants' duties include cleansing the fixtures and fittings of toilets, such as the floor, walls, wash hand basins, toilet bowls, flushing cisterns, lighting installations and litter bins. For public toilets with no attendant service, contractors have to deploy workers at least twice a day to carry out routine cleansing and replenish items such as toilet paper and soap to ensure sufficient supply. Public toilets with no attendant service share the same daily cleansing routine checklist as those with attendant(s). As at September 2020, of the 610 outsourced toilets, 284 (47%) were provided with attendant service, and the remaining 326 (53%) were not.

2.5 Besides, contractors are required to conduct deep cleansing at least once a week at all public toilets, regardless of utilisation rates. Deep cleansing includes cleansing work at high positions (cleaning lampshades, metal casings of electric fans, high wall surface, etc.) and washing the floor thoroughly with a mini high-pressure hot water cleaner. According to FEHD's instructions to contractors, contractors should deploy a dedicated deep cleansing team comprising a foreman-cum-driver and four cleansing workers, and the equipment should include a passenger vehicle and a mini high-pressure hot water cleaner system, in order to ensure sufficient manpower and equipment for carrying out comprehensive deep cleansing.

2.6 In addition to providing attendant service at "high-utilisation public toilets", DEHOs would make suitable cleansing arrangements for individual toilets depending on their actual circumstances. For instance, the male toilets of the Apliu Street Public Toilet in Sham Shui Po are situated on the second and third floors and have very high utilisation rates. They are, therefore, provided with two male attendants on both the day and night shifts to address the actual need. Meanwhile,

in view of the high utilisation rates of the Sai Yee Street Public Toilet and Sai Yee Street Garden Public Toilet, FEHD has required the contractor to not only provide toilet attendant service, but also conduct deep cleansing operations at least twice a week at these two toilets. Currently, some public toilets are provided with attendant service during the midnight shift having regard to their utilisation during the small hours. They include the Lan Kwai Fong Public Toilet in the Central and Western District, the Canal Road Public Toilet in Wan Chai and the Tak Wah Park Public Toilet in Tsuen Wan. Inspection frequencies for individual public toilets would also be adjusted based on their actual circumstances to better monitor the situation for appropriate follow-up action.

COUNTING UTILISATION RATES AND DEFINITION OF "HIGH UTILISATION" PUBLIC TOILETS

2.7 Whether a contractor would deploy an attendant to a public toilet depends on whether the toilet has been categorised by FEHD as a "high-utilisation public toilet" (see **para. 2.4**). As regards the method and time of counting utilisation rates for determining whether a public toilet is a "high utilisation public toilet", FEHD had previously deployed staff to conduct manual counting at individual toilets on a need basis (such as for following up on complaints or refurbishment planning). However, it had not kept such counting records. For more effective calculation of utilisation rates of public toilets, FEHD engaged a service provider in August 2018 to try out infrared sensor counting technology to gauge the number of visitors at the Apliu Street Public Toilet and Expo Drive East Public Toilet for a week. Between February and December 2019, FEHD engaged a contractor to install infrared sensor counters at all the 795 public toilets (except those undergoing refurbishment during that period) for collecting and analysing visitor data. The Department plans to conduct annual visitor counting at all public toilets starting from the second quarter of 2021 so as to review the modes and frequencies of cleansing services. If, for instance, the public toilets near beaches without attendant service are found to have higher utilisation rates during the summer, FEHD will make flexible arrangements to provide attendant service at those toilets to step up cleansing.

2.8 In respect of the aforementioned 795 public toilets, FEHD's report on visitor counting submitted to this Office reveals that based on their daily visitor numbers, the toilets are classified into three categories, namely, low utilisation rates, normal utilisation rates and high utilisation rates. Using the data in FEHD's report, we have compiled the following table.

Table 2: Visitor counting conducted by FEHD at 795 public toilets between February and December 2019

<table>
<tr><th></th><th>Category</th><th colspan="2">Daily visitor count</th><th colspan="2">Number of public toilets (% over the total no. of public toilets)</th></tr>
<tr><td>1</td><td>Low utilisation</td><td colspan="2">Under 100</td><td colspan="2">342 (43%)</td></tr>
<tr><td>2</td><td>Normal utilisation</td><td colspan="2">100 to 299</td><td colspan="2">205 (26%)</td></tr>
<tr><td rowspan="4">3</td><td rowspan="4">High utilisation</td><td rowspan="4">Over 300</td><td>300 to 999</td><td>147 (18%)</td><td rowspan="4">Subtotal: 248 (31%)</td></tr>
<tr><td>1000 to 1999</td><td>69 (9%)</td></tr>
<tr><td>2000 to 2999</td><td>17 (2%)</td></tr>
<tr><td>Over 3000</td><td>15 (2%)</td></tr>
<tr><td colspan="4"></td><td colspan="2">Grand total: 795 (100%)</td></tr>
</table>

2.9 To facilitate the formulation of public toilet management policies, including the determination of cleansing frequencies and priorities of repair and refurbishment, FEHD launched a half-year trial scheme in September 2019 at the Canal Road Public Toilet and Man Yiu Street Public Toilet. A Smart Washroom Data System was installed at these two public toilets to collect data on visitor numbers, temperature, humidity and other relevant information. After assessing and reviewing the trial scheme, FEHD has planned to try out real-time data monitoring systems and smart washroom systems at more public toilets in different environments during the second and third quarters of 2021 so as to enhance service through more robust collection and analysis of data and information.

STANDARD OF PUBLIC TOILET CLEANSING SERVICES

2.10 For all outsourced toilets, contractors are required to maintain the cleansing service standard as stipulated by FEHD in the service contracts, regardless of whether attendance service is provided. Three cleanliness levels of public toilets are specified in the service contracts, namely Grade A, Grade B and Grade C. Grade A cleanliness is deemed as meeting the cleanliness standard required, while Grade B and Grade C as falling short of the required standard. The service contracts contain photo illustrations of the three levels of cleanliness, as follows:

Public Toilets of Grade A cleanliness
(Source: FEHD)

Photo 1

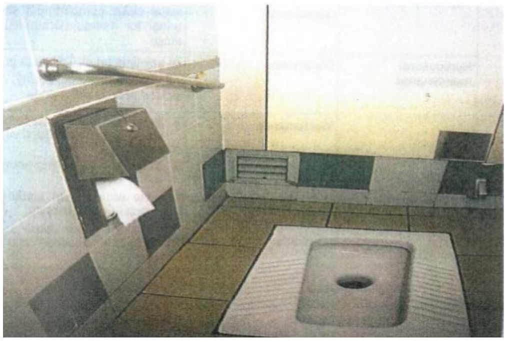


Photo 2



Public Toilets of Grade B cleanliness
(Source: FEHD)

Photo 3

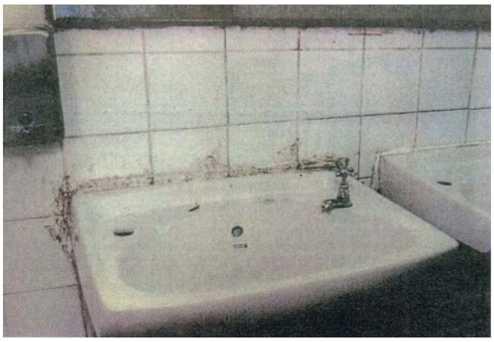
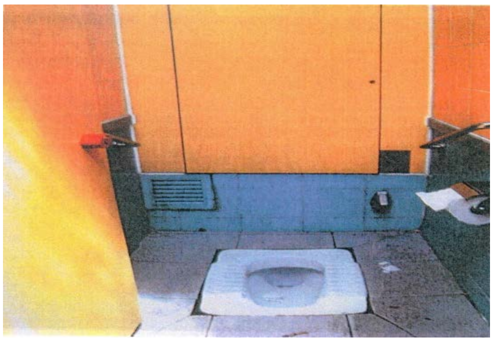


Photo 4

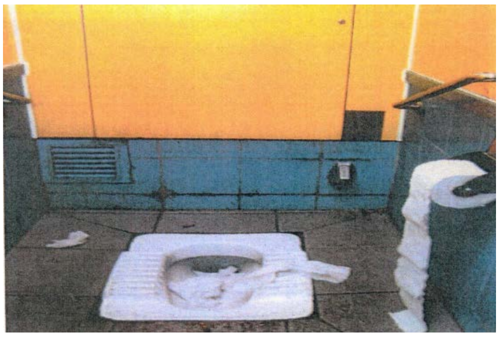


Public Toilets of Grade C cleanliness
(Source: FEHD)

Photo 5



Photo 6



2.11 Cleanliness indicators of public toilet facilities are specified in the service contracts between FEHD and the contractors. All facilities including the floor, walls and wash hand basins must be kept clean and dry, free of stain and dirt, and should function normally. Examples of the three grades of cleanliness are in the table below.

Table 3: Examples of Grade A to Grade C cleanliness of outsourced toilets

Facilities	Grade A	Grade B	Grade C
Floor, walls and wash hand basins	Dry and clean; no rubbish, dirt or stain	Quite dry and clean; no rubbish, dirt or stain in general	Wet and slippery; lots of rubbish, dirt or stain
Toilet bowls and urinals	Dry and clean; no rubbish, dirt, stain, urine or faeces; smelling fresh	Quite dry and clean; no rubbish, dirt, stain, urine or faeces in general; no fresh smell	Wet and slippery; lots of rubbish, dirt, stain, urine or faeces; with foul odour
Doors, windows and ceiling	No dirt, dust, spider webs, blots or stain	No dirt, dust, spider webs, blots or stain in general	Dirt, dust, spider webs, blots or stain everywhere
Litter bins	Dry and clean; no dirt, dust, blots or stain; always empty	Dry and clean; no dirt, dust, blots or stain; more than 60% full	Wet and slippery; covered with dirt, dust, blots or stain; more than 70% full
Liquid Soap dispensers	No dirt, dust or stain; more than 50% full	No dirt, dust or stain in general; only 25%-50% full	Covered with dirt, dust or stain; less than 25% full
External walls, rooftop and platform	No dirt, spider webs, blots or stain; no rubbish on rooftop/platform	No dirt, spider webs, blots or stain in general; no rubbish on rooftop/platform	Covered with dirt, spider webs, blots or stain; rooftop/platform littered with rubbish

2.12 As shown in **Table 3**, Grade A cleanliness means that the facilities in the public toilet are kept dry and clean, free of stain and dirt, and toilet supplies such as soap are sufficient. Grade B cleanliness means that the facilities in the public toilet are in general dry and clean, free of stain and dirt, and at least 25% of toilet supplies such as soap are available. Grade C cleanliness means that the public toilet is covered with stain or dirt, its facilities are not dry and clean, and less than 25% of toilet supplies such as soap are available. Both Grade B and Grade C levels of cleanliness call for improvement.

2.13 If the cleanliness of a public toilet is found to have dropped to Grade B during an inspection, DEHO officers would require the contractor to complete cleansing and restore it to Grade A within a specified timeframe of 30 minutes the shortest to two hours the longest. If the cleanliness is found to have deteriorated to Grade C, the contractor would be asked to complete cleansing promptly and restore it to Grade A within a specified timeframe of 15 minutes the shortest to one hour the longest. DEHO officers would require the contractor to rectify items concerned within a specified timeframe having regard to the contract requirements and the actual circumstances of the public toilet in question.

2.14 If a contractor fails to provide cleansing services meeting the service indicators under the service contract (such as failing to restore the cleanliness of a public toilet from Grade B or Grade C to Grade A within the specified timeframe), FEHD will issue a Default Notice ("DN") and deduct its monthly service fee pursuant to the contract. The following two examples illustrate the circumstances under which FEHD would issue a DN to a contractor and deduct its monthly service fee.

Example (1)

2.15 During an inspection at a public toilet, the DEHO officer finds that the wash hand basins, the urinals and the floor of the male toilet are dirty, so are the floors of the female toilet and the accessible toilet. The officer verbally warns the contractor at once and demands cleansing be completed within 15 minutes. A follow-up inspection upon expiry of the deadline finds the problems unrectified. The officer then issues a DN to the contractor and deducts its monthly service fee.

Example (2)

2.16 During an inspection at a public toilet, the DEHO officer finds dirt in the exhaust fan duct. The officer verbally warns the contractor at once and demands cleansing be completed within 15 minutes. A follow-up inspection upon expiry of the deadline finds the problem unrectified. The officer then issues a DN to the contractor and deducts its monthly service fee.

2.17 Data on FEHD' issue of DNs to contractors and deduction of their monthly service fees between 2015 and September 2020 are shown below.

Table 4: FEHD's issue of DNs to contractors and deduction of monthly service fees between 2015 and September 2020

	2015	2016	2017	2018	2019	2020 (January to September)
Issuing DNs and deducting monthly service fees (no. of cases)	1,018	790	913	1,241	1,157	635

2.18 Data in **Table 4** show the total number of cases in which FEHD had issued a DN to the contractor and deducted its monthly service fee in respect of all street cleansing service contracts. Public toilet cleansing services are one of the services provided by contractors under street cleansing service contracts. The various DEHOs maintain separately their own records of issuing DNs to contractors and deducting monthly service fees in respect of public toilet cleansing services. Nevertheless, those records have not been submitted to the FEHD Headquarters for detailed analysis.

FEHD'S INSPECTIONS

2.19 FEHD monitors the contractors' work and assess their performance through day-to-day inspections, which are carried out by its street cleansing contract management staff in accordance with the "risk management" principle. Such day-to-day inspections are mainly conducted by the SFs of various DEHOs. In their daily contract management routine, the SFs inspect the cleanliness of streets (including public toilet cleansing services) and input inspection results into FEHD's central computer system by using a mobile application. Besides, the HIs and SHIs of DEHOs conduct supervisory inspections. HIs supervise the SFs under them and monitor contractors' performance in accordance with the terms and conditions of service contracts. SHIs are responsible for the overall management of the cleansing section of their respective districts, including planning, organisation, coordination, supervision and assessment. Details of DEHOs' day-to-day inspections and supervisory inspection mechanism under the "risk management" principle are set out in our direct investigation report titled "Monitoring of Outsourced Street Cleansing Services by the Food and Environmental Hygiene Department" [3] published in October 2020. Public toilet cleansing services are one of the services provided by contractors under the street cleansing service contracts. Frequencies of

[3] The full text of our direct investigation report "Monitoring of Outsourced Street Cleansing Services by the Food and Environmental Hygiene Department" is available at https://ofomb.ombudsman.hk/abc/en-us/direct_investigations

inspections at public toilets are shown in **paragraphs 2.20 and 2.21** below.

2.20 For public toilets provided with attendant service, the SFs of DEHOs inspect them at least once every work shift. For public toilets without attendant service, the SFs inspect them at least once every other day. For public toilets located in remote areas (including those without vehicular access or in remote outlying islands), the HSIs of the various DEHOs may decide on the minimum inspection frequency as appropriate.

2.21 FEHD has since January 2021 revised its internal guidelines to stipulate that inspection frequencies would be at the discretion of the Chief Health Inspectors ("CHIs") of the various DEHOs instead, and that the minimum frequency should be no less than once every 10 working days. Records of the CHIs' decisions on inspection frequencies should be properly kept in DEHOs.

2.22 Data on FEHD's inspections at outsourced toilets are tabulated below.

Table 5: FEHD's inspections at outsourced toilets

Year	No. of outsourced toilets (a)#	No. of FEHD inspections (b)	Average no. of inspections at each public toilet per month ((b)/(a))/12
2018	566	170,803	25
2019	555	178,626	27
2020 (January to September)	589	191,333	36^

\# Some public toilets are temporarily closed due to repair and maintenance/refurbishment/improvement works of varying scales and FEHD, therefore, needed not conduct inspections at such toilets. Between 2018 and 2020 (January and September), there were 16, 31 and 21 public toilets temporarily closed respectively for these reasons.

^ Between January and September 2020, the average number of inspections per month at each public toilet was 191,333/589/9=36 (rounded to the nearest digit).

2.23 It can be seen from **Table 5** that the total number of FEHD's inspections at outsourced toilets each year increased from 170,803 in 2018 to 191,333 in 2020 (between January and September), while the average number of FEHD's inspections at each toilet per month increased from about 25 to 36 over the same period. Taking 365 days as a year, on average each public toilet was inspected more than once a day between January and September 2020. FEHD explained that the frequency of

inspections at public toilets is subject to a host of factors, such as whether attendant service is provided, whether a toilet is located in remote areas and whether a toilet is temporarily closed due to refurbishment. There is no blanket arrangement to inspect each public toilet at least once a day.

OUR RANDOM CHECKS ON INSPECTIONS OF CLEANSING SERVICES

2.24 Regarding cleansing services provided by contractors, performance-based service requirements have been incorporated in FEHD's tender documents. The requirements cover the scope of service, expected level of cleanliness and response time for rectifying poor performance, etc. For assessing contractors' overall performance, FEHD's contract management staff carry out random inspections adopting the "risk management principle".

2.25 We have studied FEHD's checklist designed for inspections on contractors' cleansing services for public toilets. FEHD's inspections on contractors aim at ensuring that their employees have followed the cleansing time schedules and are adequately and suitably equipped for discharging the cleansing duties (e.g. they are given mops, scrubs and cleaning agents, etc.); that the floors of public toilets are kept dry and the floor/walls/ceiling/external walls are clean; that the toilet compartments (including the door locks, toilet seats and cover, toilet paper holders, coat hooks, handrails, baby rests, etc) and facilities such as mirrors, wash hand basins, liquid soap dispensers and hand dryers are clean and functioning properly; and that the contractors' employees are wearing tidy and proper uniform when discharging their duties and have good conduct.

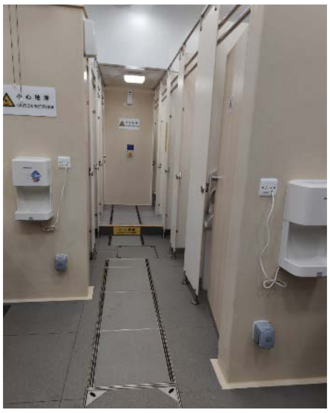
2.26 This Office has conducted a random check on FEHD's inspection records of the Kwai Tsing District for the third quarter of 2020 (i.e. July to September). The records show one case in which the contractor was found to have failed to render cleansing services as scheduled during an inspection by the local DEHO . As the incident involved misconduct of the contractor's employees, the DEHO issued a DN to the contractor and deducted $1,021 from the monthly service fee pursuant to the terms of the service contract.

2.27 In November 2020, our officers travelled across the territory to conduct site visits at four of the high-utilisation public toilets which were frequently reported by the local media, namely the Wu Nam Street Public Toilet in Aberdeen, Yen Chow Street Public Toilet in Sham Shui Po, Tseung Kwan O Public Transport Interchange Public Toilet and Hong King Street Public Toilet in Yuen Long. Our investigators noticed that the cleanliness of the first three public toilets were overall satisfactory, with facilities like the floor, walls, doors and windows as well as litter bins meeting the Grade A cleanliness level in general. Refurbishment of the Yen Chow Street Public Toilet was completed in 2020, so its environment and facilities are brand new (see **Photos 7 to 9**). During the site visit, the toilet attendant employed by the

contractor kept cleaning and sweeping around and clearing the litter bins to maintain hygiene. In the female toilet, the attendant immediately wiped the floor dry again when visitors made it wet after washing their hands.

2.28 The hygiene at the Hong King Street Public Toilet in Yuen Long compared unfavourably. Its floor and wash hand basins were wet and slippery. There was litter in some toilet compartments, with no toilet paper available and the litter bins being full. Many facilities there were of Grade B or Grade C cleanliness in general (see **Photos 10 to 12**). FEHD's statistics show that the Hong King Street Public Toilet registered more than 3,000 visitors a day. According to our observations, there are residential buildings in close proximity and the streets nearby are packed with vendors and peddlers. So, users just kept streaming in and out of the toilet. Besides, the floor, walls and other fitments in the toilet were rather dilapidated. Extremely high utilisation and dilapidation made it really difficult to maintain Grade A cleanliness at all times despite incessant cleansing by the toilet attendant. FEHD indicated that the Hong King Street Public Toilet had undergone refurbishment in 2008, and was already included in the Enhanced Public Toilet Refurbishment Programme ("Refurbishment Programme") of 2019/20. Refurbishment to improve its environment is tentatively scheduled for commencement in June 2021.

Yen Chow Street Public Toilet (taken by our officer in November 2020) Photo 7: Exterior of the Yen Chow Street Public Toilet  	**Hong King Street Public Toilet in Yuen Long** (taken by our officer in November 2020) Photo 10: Exterior of the Hong King Street Public Toilet 

Photo 8: Clean and no stain inside toilet compartment 	Photo 11: Rubbish on toilet compartment floor and litter bin full 
Photo 9: Clean environment and brand-new facilities 	Photo 12: Wet and slippery floor 

REPAIR AND MAINTENANCE

2.29 The cleansing service contracts stipulate that contractors are responsible for minor repair and maintenance items of public toilets specified therein. Non-specified items would be referred to ArchSD for follow-up.

2.30 The street cleansing service contracts stipulate that contractors should arrange for immediate rectification and bear the cost of replacing defective parts if they discover during cleansing any defects, leakage or blockage of public toilet facilities listed below. If the repair and maintenance items are only found during inspections by FEHD, the contractors must, within 24 hours of receiving FEHD's notification, supply the necessary materials and labour to complete the repair and maintenance at the location specified irrespective of the reasons for the damage or loss in question. The list of repair items of public toilet facilities has since August 2020 been revised and included in new street cleansing service contracts. The revised list includes:

(a) repairing/replacing water closet seats and covers;
(b) repairing nylon cords or lever handles of flushing cisterns;
(c) repairing/replacing the trap underneath wash hand basins, urinals and sinks;
(d) repairing/replacing locking devices for the door of toilet/shower compartments;
(e) repairing coat hooks;
(f) clearing minor blockage of water closets, urinals, wash hand basins, sinks, flow controllers of water taps and surface channels;
(g) repairing toilet paper holders/jumbo roll tissue holders;
(h) repairing notice boxes/notice boards and inspection record boxes;
(i) repairing handrails, litter containers, etc.;
(j) repairing liquid soap dispensers, hand sanitisers, water closet seat sanitisers and other sanitising facilities;
(k) replacing batteries for automatic tap sensors, liquid soap dispensers, hand sanitisers, water closet seat sanitisers and urinal flushing sensors (if applicable); and
(l) repairing folding baby changing counters (if applicable).

2.31 If a contractor is found to have failed to complete the specified repair and maintenance works within 24 hours, FEHD would issue a DN to the contractor and deduct its monthly service fee pursuant to the service contract. FEHD maintains a computer system (the contract management system) to record the results of daily inspections at outsourced toilets, including contractors' failure to complete repair and maintenance within 24 hours of notification.

OUR RANDOM CHECKS ON REPAIR AND MAINTENANCE RECORDS

2.32 We have asked FEHD to provide records on the total number of cases and the number of cases each year between 2015 and 2020 involving issuance of DNs and deduction of monthly service fees as a result of contractors' failure to complete repair and maintenance at specified public toilets within 24 hours of notification. FEHD indicated that such information and records are kept separately by individual DEHOs, which compile statistics, conduct analysis and take targeted improvement actions according to their own circumstances and needs. Nevertheless, such information and records are not submitted to the FEHD Headquarters for holistic statistical analysis.

2.33 We have random-checked the repair and maintenance records of the Yen Chow Street Public Toilet for the third quarter of 2020 (i.e. July to September). Having searched its computer records, FEHD found that during those three months, it had referred respectively 16, 29 and 14 cases (59 cases in total) to ArchSD for follow-up repair and maintenance, which covered such items as defective flushing sensors, flushing water supply suspension in toilet compartments and blocked

manholes. Since those cases did not involve contractors being derelict in their repair and maintenance duties, FEHD did not have records of having issued DNs to contractors and deducted their monthly service fees.

2.34 In respect of the above 59 cases referred to ArchSD, FEHD's records show that the defective items in need of repair were found during inspections. Among them, 58 cases were referred to ArchSD for follow-up on the day on which the defects were discovered. The remaining case with defects discovered on 5 September 2020 (a Saturday) was referred to ArchSD two calendar days later on 7 September (a Monday).

2.35 Regarding repair and maintenance carried out by contractors, FEHD did not ask the contractors to submit related records because the service contracts already stipulated contractors' responsibility to provide the materials and labour needed for completing minor repair and maintenance items.

2.36 On FEHD's day-to-day inspection mechanism for monitoring the contractors' repair and maintenance works (see **para. 2.19**), this Office has random-checked the Yuen Long DEHO's inspection records of the third quarter of 2020 (i.e. July to September). The records show that during those three months, the DEHO discovered respectively 12, 4 and 3 cases (19 cases in total) requiring repair and maintenance by the contractor, involving items such as repairing/replacing liquid soap dispensers, replacing batteries for automatic water tap sensors and repairing/replacing toilet paper holders. The records also included other information such as the dates and time of DEHO discovering those defective items during day-to-day inspections, the post of the SF conducting the inspection, names of the public toilet, details of items in need of repair and maintenance, the dates and time of DEHO notifying the contractor of the defects, as well as those of DEHO's follow-up inspection. According to the inspection records, the contractors involved in those 19 cases could complete the required repair and maintenance within 24 hours of notification.

3

DIRECTLY MANAGED PUBLIC TOILETS

DIRECTLY MANAGED PUBLIC TOILETS

3.1 As at September 2020, there were 198 directly managed toilets, mostly located in the New Territories and non-busy areas on outlying islands. None of them is provided with toilet attendant service.

3.2 FEHD's beat sweepers are civil servants, responsible for scavenging duties on streets, clearing and washing litter bins, and providing cleansing services at least twice a day at the public toilets inside their responsible area. Unlike outsourced public toilets, FEHD does not use photographs or grades to illustrate performance indicators and levels of performance of directly managed public toilets. Concerning the "management of aqua privies, public toilets and public bathhouses", its documents on service indicators only require beat sweepers to cleanse public toilet facilities properly, with no cleanliness indicators or performance grades specified.

3.3 The performance of beat sweepers is supervised by FEHD's beat Foremen. If the cleanliness of a public toilet is found to be unsatisfactory during inspection, the Foremen would directly require the beat sweepers to take follow-up action. For instance, they would be required to re-do cleansing until the cleanliness level becomes satisfactory. Under the established mechanism, civil servants with poor performance would be given appropriate supervision and guidance by their supervisors. Their performance would also be reflected in the annual performance appraisals. Should serious mistakes occur, they would be subjected to probes and punishment in accordance with the civil service disciplinary mechanism, including verbal advice, warning letters, etc.

3.4 In the course of investigation, we asked FEHD to provide the number of cases each month between January and September 2020 in which its in-house workers were found to have discharged public toilet cleansing duties poorly. Yet, FEHD recorded no such cases and explained that in respect of simple and minor cleanliness problems, the Foreman would generally ask the beat sweeper immediately to improve the toilet's cleanliness by cleansing it again.

FEHD'S INSPECTIONS

3.5 FEHD's beat Foremen inspect public toilets under their responsibility once every shift. For public toilets located in remote areas (i.e. those at locations without vehicular access or on remote outlying islands), the Foremen conduct inspections once a week. As at September 2020, among the 198 directly managed toilets, 63 were located in remote areas.

3.6 As at September 2020, there were 513 beat sweepers under FEHD, responsible for scavenging duties on the streets within their responsible areas (including cleansing public toilets). A total of 421 management staff members were responsible for the day-to-day supervision of beat sweepers, including 19 SHIs, 19 HIs, 67 Overseers and 316 Foremen. All of them were civil servants.

3.7 In addition to monitoring the cleansing services for public toilets, the management staff aforementioned have other main duties, including monitoring street cleansing services (sweeping and washing streets), investigating and replying to public complaints, taking enforcement action against public cleanliness offences (such as littering and spitting) and managing cleansing facilities (e.g. various types of refuse collection points, litter bins, cigarette butt containers, dog excreta collection bins), as well as performing clerical duties and personnel management.

Table 6: FEHD's inspection data on directly managed toilets

Year	No. of directly managed toilets (a)[#]	No. of inspections by FEHD (b)	Average no. of inspections at each public toilet per month ((b)/(a))/12
2018	216	44,952	17
2019	211	43,578	17
2020 (January to September)	195	35,969	20^

\# Some public toilets were closed temporarily because of repair/refurbishment/improvement works of varying scales and FEHD, therefore, needed not conduct inspections at such toilets. Between 2018 and 2020 (January to September), there were respectively 1,2 and 3 such public toilets.

^ Between January and September 2020, the average number of inspections at each public toilet per month is 35,969/195/9=20 (rounded to the nearest digit).

3.8 **Table 6** shows that with respect to directly managed toilets, the average number of inspections per month at each toilet was 17 in both 2018 and 2019. Between January and September 2020, the number was higher, at 20. Taking 365 days as a year, each directly managed toilet was inspected less than once a day. The average number of inspections per month was also lower than that at outsourced toilets (see **Table 5**). FEHD explained that the inspection frequency is subject to a number of factors, such as whether attendant service is provided, whether the toilet is located in remote areas and whether the toilet is temporarily closed due to refurbishment. There is no blanket arrangement to inspect each public toilet at least once a day.

REPAIR AND MAINTENANCE

3.9 FEHD does not deploy toilet attendants to directly managed toilets. The repair and maintenance works of all scales for these toilets (including those involving the structure of public toilets, decorated surfaces, fixtures and fittings, as well as water supply and drainage systems, etc.) are referred to ArchSD for follow-up. If facilities in need of repair and maintenance are found, FEHD Foremen would take a photograph for record purposes and fill in a minor works order form, with a view to submitting on the same day a repair request via ArchSD's "Repair Hotline Centre" ("Hotline Centre"), an internal repair hotline or hotline website for Government departments.

4

FEHD's Handling of Complaints about Public Toilets and Vandalism of Public Toilet Facilities

STATISTICS ON COMPLAINTS ABOUT PUBLIC TOILETS

4.1 The numbers of complaints about public toilets that FEHD received between 2015 and September 2020 based on its records are shown below.

Table 7: No. of complaints about public toilets received by FEHD between 2015 and September 2020

Year	Total no. of complaints received	No. of complaints involving outsourced toilets	No. of complaints involving directly managed toilets	Others~
2015	2,343	2,124 (90.7%)	176 (7.5%)	43 (1.8%)
2016*	2,774	2,448 (88.2%)	303 (10.9%)	23 (0.8%)
2017	2,913	2,538 (87.1%)	352 (12.1%)	23 (0.8%)
2018	2,626	2,278 (86.7%)	301 (11.5%)	47 (1.8%)
2019	2,367	2,055 (86.8%)	241 (10.2%)	71 (3.0%)
2020 (January to September)	1,777	1,590 (89.5%)	171 (9.6%)	16 (0.9%)

~ Other cases were those in which suggestions were made but no particular public toilet was named.

* The numbers are rounded to the nearest tenth; sum of the breakdown is therefore smaller than 100%.

4.2 In the past, FEHD did not maintain statistics and analysis on complaints about public toilets by items, e.g. the public toilets receiving most complaints, number of complaints, summary of complaints, etc.

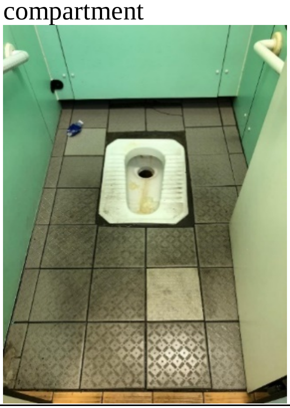
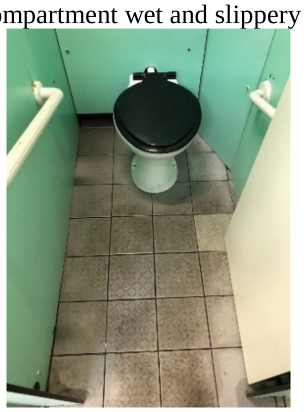
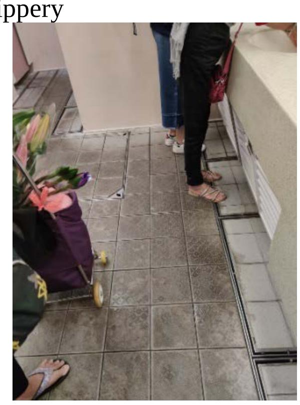
4.3 Since June 2020, in response to the recommendations in the Director of Audit's Report No. 73 (October 2019)[4], FEHD has upgraded its complaint management information system to include more information about complaints relating to public toilets and has been conducting monthly data analysis, including the names of public toilets having received complaints, the frequency of complaints, and nature of the cases.

4.4 FEHD has provided us with the complaint statistics of November 2020, which contain an analysis on the total number of complaints received by each of the 19 DEHOs, nature of the complaints (e.g. complaint about unpleasant odour, dirtiness, lack of consumables, etc.), as well as the public toilets under complaint by district. The statistics reveal that the Yuen Long District, with 183 public toilets, is the district with most public toilets. November 2020 saw 27 complaints about public toilets in the district. In March 2021, our officers conducted site visits at the four public toilets in the Yuen Long District that had received more complaints, namely, the Hong King Street Public Toilet, the Small Traders New Village Public Toilet, the Wang Yip Street Public Toilet and the Mai Po Tsuen Public Toilet.

4.5 Information provided by FEHD shows that complaints about the Hong King Street Public Toilet mainly involve cleanliness and hygiene issues. Our observations during site visits at the toilet in November 2020 and March 2021 were more or less the same. The toilet had high utilisation rates but its facilities were obsolete. Maintaining the cleanliness level at Grade A incessantly had proved to be difficult despite constant cleaning by the toilet attendant (see **para. 2.28**). Complaints about the Small Traders New Village Public Toilet mostly concerned odour. The interior of the toilet was generally clean and a number of exhaust fans had been installed there. However, during our site visits, some of the fans were not turned on and an unpleasant odour was obvious in both the male and female toilets. Complaints about the Wang Yip Street Public Toilet were mostly about its installations. During our site visits, we saw three wash hand basins in the female toilet, but the tap of the middle basin was dry.

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[4] The full text of the Director of Audit's Report No. 73 (October 2019) is available at: https://www.aud.gov.hk/eng/pubpr_arpt/rpt_73.htm

Hong King Street Public Toilet (taken by our officer in March 2021)	**Small Traders New Village Public Toilet** (taken by our officer in March 2021)	**Wang Yip Street Public Toilet** (taken by our officer in March 2021)
Photo 13: litter on floor of toilet compartment 	Photo 16: airy design 	Photo 19: exterior of the toilet 
Photo 14: floor of toilet compartment wet and slippery 	Photo 17: floor of toilet compartment dry and clean 	Photo 20: toilet compartment clean with no stain 
Photo 15: toilet floor wet and slippery 	Photo 18: exhaust fan not turned on with unpleasant odour 	Photo 21: a water tap in female toilet was dry 

VANDALISM OF PUBLIC TOILET FACILITIES

4.6 To maintain cleanliness and hygiene of public toilets and protect facilities from vandalism, law enforcement officers in overseas jurisdictions and countries

(such as Singapore) inspect public toilets from time to time. Visitors who do not flush after use or vandalise public toilet facilities would be fined.

4.7 Local media and concern groups have time and again exposed misuse and poor condition of public toilets, and reported on incidents of vandalism of public toilet facilities. FEHD considers it rather difficult to take enforcement action against such behaviours as failure to flush the toilet after use because investigation and collection of evidence may have privacy implications, resulting in squabbles between members of the public and enforcement officers. Once discovered, cases of vandalism of public toilets would be reported to the police.

4.8 Between 2015 and September 2020, the numbers of cases of vandalism of public toilets (including both outsourced toilets and directly managed toilets) reported to the Police by FEHD are shown below.

Table 8: No. of cases of vandalism of public toilets between 2015 and September 2020

Year	No. of cases of vandalism of public toilets
2015	0
2016	1
2017	1
2018	13
2019	89
2020 (January to September)	46

4.9 FEHD considers that problems of misuse and vandalism of public toilets would be more effectively addressed by enhancing publicity and education and management, upgrading public toilet facilities and conducting long-term planning for improving the hygiene of public toilets. To remind users to be considerate and respect others, FEHD has drawn up the "Rules of Using Toilets", as well as posted publicity materials at conspicuous spots in each public toilet, such as posters featuring "Keep Clean Ambassador Ah Tak" ("Ah Tak") and "Be Considerate" stickers. Messages aiming at educating users to keep toilets clean and hygienic and use public toilet facilities properly are also broadcast through the public announcement system in public toilets.

Photo 22: "Be Considerate" sticker (Source: FEHD)



Photo 23: "Rules of Using Toilets" poster (Source: FEHD)



4.10 FEHD has used various channels to spread messages about public toilet hygiene and proper use of public toilet facilities. They include publicity clips on television, radio broadcasts, publicity posters in main public transport facilities like MTR stations and bus stops, brochures and leaflets distributed in public places, posts on Ah Tak's social media page, as well as arrangements for Ah Tak to make public appearances and attend community activities. FEHD would continue to use Ah Tak's social media page to urge public toilet users to be considerate and respect others.

4.11 In January 2021, FEHD introduced a new thematic webpage[5] to highlight its work relating to improving environmental hygiene and public toilet

[5] FEHD thematic webpage: https://www.fehd.gov.hk/english/events/keep_clean2020-2021/index.html

services. The webpage also provides information and suggestions on maintaining environmental hygiene and urges full cooperation from members of the public.

IMPLEMENTING IMPROVEMENT MEASURES

4.12 FEHD indicated that it has been exploring via different ways (including the internet and site visits) the use of new facilities and technologies at public toilets. Taking reference from the European experience, FEHD in May 2019 examined with works departments such as ArchSD the feasibility of introducing auto-cleaning toilets in Hong Kong. The Department contacted a European company specialised in auto-cleaning toilets in September 2019, and is studying the feasibility of using the facility.

4.13 Regarding enhancement of public toilet facilities, FEHD has tried out various new technologies and techniques at a number of public toilets. The main measures are elaborated below.

4.14 Between March 2019 and May 2020, ozone technology was used on a trial basis in the Mongkok Sai Yee Street Garden Public Toilet. Ozone is injected into the flushing system, killing germs and degrading odour molecules in the toilet bowls, so as to abate unpleasant odour and improve the air quality in the toilet. FEHD staff collected samples at the toilet for testing, and found obvious abatement of unpleasant odour and decrease in the ammonia level in the air. FEHD is planning to extend the trial scheme to more public toilets in the third quarter of 2021.

4.15 Upon completion of refurbishment of the Tak Wah Park Public Toilet, FEHD introduced on a trial basis in 2019 the Nano Confined Catalytic Oxidation technology. Using filtering materials, pollutants are adsorbed and then decomposed, thereby abating unpleasant odour and improving air quality. The technology was then introduced to the Wong Tai Sin Sheung Yuen Street Public Toilet, Jordan Road Public Toilet, Yuen Long Kik Yeung Road Public Toilet and Tuen Mun Ferry Pier Public Toilet. FEHD staff subsequently collected samples at those public toilets for testing, and found a lower level of ammonia and bacteria in the air than before.

4.16 Since 2019, FEHD has requested ArchSD to install on a trial basis a Cabinet Wash Hand Basin System at the Tsuen Wan Multi-storey Carpark Building Public Toilet, Tak Wah Park Public Toilet and Peak Tower Public Toilet in the course of refurbishment. The "one-stop provision" of a wash hand basin, liquid soap dispenser and hand dryer in a single unit can minimise the chance of users wetting the floor after washing their hands. Besides, FEHD plans to install at all newly completed public toilets more powerful electric hand dryers and built-in floor dryers under wash hand basins to better prevent the floor from getting wet and slippery.

4.17 Since 2019, the Nano Plasma Driven Catalysis air purification technology has been put on trial in the Tong Shui Road Public Toilet, Southorn

Centre Public Toilet, Canal Road Public Toilet and Tsuen Wan Multi-storey Carpark Building Public Toilet. A nano catalytic coating, coupled with a high-efficiency plasma generator, would decompose pollutants and odour molecules in the air.

4.18 In the Ning Foo Street Public Toilet, Expo Drive East Public Toilet, Larch Street Public Toilet and Tai Mei Tuk Public Toilet, a microalgae green wall system is used to convert carbon dioxide into oxygen by directing lighting to the transparent tube-like wall that contains microalgae. FEHD has carried out equipment-assisted testing and confirmed that this new technology and related measures are effective in improving the air quality of those toilets.

5

ARCHSD'S MAINTENANCE AND REPAIR SERVICES

BACKGROUND

5.1 FEHD is the management department for public toilets, responsible for their routine cleansing and minor repairs (see **para. 2.29**). Repair and maintenance works of larger scale are referred to ArchSD for necessary action.

5.2 Under the current mechanism, ArchSD follows the established public works procurement procedures and the Stores and Procurement Regulations to engage "repair term contractors" ("ArchSD contractors") through open tenders. It has now engaged 10 such contractors to help government departments (including FEHD) with the repair of their facilities, including public toilets. The list of ArchSD contractors is public information available for public inspection on the Development Bureau ("DEVB")'s[6] website.

5.3 ArchSD issues works orders in respect of repair and maintenance to contractors. Depending on the works scale and condition of the items in need of repair and maintenance, ArchSD draws up works details, estimate the fees, and specify the dates of commencement and completion. When a contractor's services fall short of requirements (such as failing to complete the works by the date specified), ArchSD would make a record and a remark in its quarterly performance appraisal.

5.4 On contractors' performance, ArchSD follows the guidelines laid down in Chapter 4 "Contractor Performance Report" of the Contractor Management Handbook promulgated by DEVB to give grades in the quarterly performance appraisal. According to the Contractor Management Handbook, the performance of a contractor who has received an "adverse" comment for two consecutive quarters is considered "poor" and ArchSD may recommend that DEVB suspend the contractor's eligibility for tendering for public works of the same category, or even delete the contractor from the List of Public Works Contractors. A delisted contractor cannot be listed again for two years from the date of the deletion.

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[6] The List of Public Works Contractors is available at the DEVB's website: https://www.devb.gov.hk/contractor.aspx?section=80&lang=1

CATEGORIES OF WORKS PRIORITY AND ESTIMATED TIME NEEDED FOR COMPLETION

5.5 ArchSD's Hotline Centre, set up in September 1999, categorises FEHD's repair and maintenance requests according to the severity of the cases and directly arrange for a contractor to carry out the works required. There are three categories of repair and maintenance requests: "critical", "urgent" and "normal". Details are in the following table.

Table 9: ArchSD's categorization of public toilet repair and maintenance works

Works category	Nature of problem	Example	Timeframe for contractor's action
Critical repair and maintenance	Posing immediate danger to occupants/ users or the public	Concrete spalling, burst flushing pipes in toilet compartment and blocked manhole	Critical repair works be carried out within one hour of notice
Urgent repair and maintenance	Not posing immediate danger to occupants/ users or the public, but causing serious obstruction to use of the facility or operation of the management department	Blocked water closet, damaged door lock of toilet compartment and no flushing water	Temporary repair within 1 calendar day of notice and completion of works within 3 calendar days
Normal repair and maintenance	Not posing immediate danger to occupants/ users or the public, and not causing serious obstruction to use of the facility or operation of the management department	Paint depletion and loosened rooftop floor tiles	Temporary repair within 5 calendar days of notice and completion of works within 12 calendar days

5.6 Aside from the above three types of minor repair works, the Hotline Centre of ArchSD also refers cases involving works of bigger scale or more complicated cases to district teams for follow-up. Having regard to the site condition of the public toilet in question and details of FEHD's works request, ArchSD district teams draw up the works details and a budget, and determine the works commencement date and hand over the case to its contractor for action. Such repair works may involve concrete spalling, seepage of hidden pipes or ceiling, etc. Complicated cases referred to ArchSD through the Hotline Centre or other channels

make up about 20% of the yearly repair and maintenance works for public toilets.

5.7 The Hotline Centre of ArchSD receives from various Government bureaux/departments more than 300,000 repair requests every year, of which about 10,000 involve public toilet repair (see **Table 10**). Around 90% of minor repair works for public toilets are categorised as "critical" and "urgent", and the remaining 10% are "normal" cases posing no immediate danger to occupants/users or the public, or not causing serious obstruction to use of the facility or operation of the management department. In other words, ArchSD would require its contractors to complete 90% of the repair works within 1 hour to 3 calendar days. As regards works of a more complicated nature (see **para. 5.6**), there are on average around 2,000 such cases each year and almost 100% of them could be completed within the specified timeframe. According to ArchSD's records, for each year between 2015 and September 2020, there were more than 10,000 public toilet repair and maintenance cases (see **Table 10**), and almost 100% of them could be completed within the specified timeframe. Each year, only a handful of cases involved delay (see **Table 12**).

5.8 Statistics on public toilet repair and maintenance works carried out by ArchSD between 2015 and September 2020 based on its record are tabulated below.

Table 10: Public toilet repair and maintenance works carried out by ArchSD between 2015 and September 2020

		2015	2016	2017	2018	2019	2020 (January to September)
(a)	No. of repair and maintenance cases completed	11,396	11,824	11,582	13,600	15,218	11,975
(b)	No. of cases in (a) involving delay	6	8	1	2	3	0
(c)	Longest delay involved in cases in (b) (no. of days)	192	183	87	95	54	0

5.9 **Table 10** shows that between 2015 and 2019, the number of cases of public toilets repair and maintenance works carried out by ArchSD ranges from 11,396 to 15,218 each year (see **Item (a)** in **Table 10**), with delay in only a handful of cases (1 to 8 cases per year) (see **Item (b)** in **Table 10**). Between January and September 2020, it carried out 11,975 repair works, but none involved delay.

5.10 According to ArchSD's records, between 2015 and September 2020, no contractors were temporarily removed or deleted for good from the List of Public Works Contractors for having received "adverse" comments on their performance in carrying out public toilet repair and maintenance works.

5.11 We random checked the repair and maintenance records of the Yen Chow Street Public Toilet for the third quarter of 2020 (i.e. July to September, see **para. 2.33**) so as to see whether ArchSD had followed up on the works progress properly and in a timely manner upon receipt of FEHD's requests for repair and maintenance at public toilets. According to information provided by ArchSD, the computer system of its Hotline Centre (see **para. 3.9**) records the dates and time of receiving FEHD's requests, the dates and time of the Hotline Centre issuing the works orders to contractors, and the contractors' completion dates. ArchSD's records show that between July and September 2020, ArchSD received from FEHD 59 requests for public toilet repair and maintenance. With respect to "critical", "urgent" and "normal" repair and maintenance cases, ArchSD could in general issue the works order to the contractors on the same or following day of receiving the requests; while contractors could complete all the works within one calendar day. No delay was involved. The repair and maintenance items included defective flushing system sensors, flushing water supply suspension in toilet compartments, blocked manholes, etc.

HANDLING DELAYS BY CONTRACTORS

5.12 Pursuant to the terms and conditions in the public works contracts, ArchSD may demand "liquidated damages" from contractors when they fail to complete repair and maintenance works by the date specified in the works order because of delay. "Liquated damages" specified in works contracts refer to the genuine pre-estimate of the financial loss suffered by the Government because of delay by the contractor. Consequently, a works order completed after the original target completion date owing to factors beyond contractors' control (such as inclement weather) normally cannot be seen as delay caused by contractors.

5.13 The calculation for "liquidated damages" is detailed in the Environment, Transport and Works Bureau Technical Circular (Works) No. 4/2003 ("WBTC No. 4/2003"). ArchSD determines the daily rate of liquidated damages in accordance with the formula set out in the Technical Circular. Based mainly on the contract value and duration of the works, the formula calculates the loss on the Government's capital investment and the supervisory cost for the works per day resulting from the contractor's delay in works completion. It is stated clearly in the Circular that "liquidated damages" must be the genuine pre-estimate of the likely financial loss, and cannot be imposed as a "penalty".

5.14 The following table shows ArchSD's claims for "liquidated damages" with respect to public toilet repair between 2015 and September 2020.

Table 11: ArchSD claiming "liquidated damages" from contractors between 2015 and September 2020

		2015	2016	2017	2018	2019	2020 (January to September)
(a)	No. of claims for "liquidated damages"	4	7	1	1	2	0
(b)	No. of contractors involved in (a)	2	4	1	1	2	0
(c)	Highest amount of damages (rounded to nearest dollar)	500	10,801	11,465	1,091	1,095	0
(d)	Lowest amount of damages (rounded to nearest dollar)	54	2	11,465	1,091	13	0
(e)	Average amount of "liquidated damages" (rounded to nearest dollar)	257	1,713	11,465	1,091	554	0

5.15 **Table 11** shows that no cases involving delay by contractors were found by ArchSD between January and September 2020, hence no claims for "liquidated damages" were made during the period. Regarding the period between 2015 and 2019, cases involving the highest and lowest amounts of "liquidated damages" (8 cases in total) claimed by the Department each year are shown below.

Table 12: Cases involving the highest and lowest amounts of "liquidated damages" claimed by ArchSD between 2015 and 2019

Year	Highest amount of liquidated damages	Lowest amount of liquidated damages
2015	Public toilet works item: Mui Wo Ferry Pier Public Toilet – repairing seepage in corrugated sheet Date of issue of works order: 28 January 2015	Public toilet works item: Pak Sha Wan Church Public Toilet – replacing auto-flushing valve sensor Date of issue of works order: 19 March 2015

	Specified completion date: 27 April 2015 Actual completion date: 30 October 2015 (a 186-day delay) Works order value#: $2,411 Liquidated damages #: $500	Specified completion date: 18 Apr 2015 Actual completion date: 21 August 2015 (a 125-day delay) Works order value#: $320 Liquidated damages#: $54
2016	Public toilet works item: Tai Nan Street Public Toilet and Bathhouse refurbishment Date of issue of works order: 7 March 2016 Specified completion date: 30 June 2016 Actual completion date: 7 November 2016 (a 130-day delay) Works order value#: $210,000 Liquidated damages#: $10,801	Public toilet works item: Lung Kong Road Public Toilet – repairing ceiling, cement wall renderings and finishes Date of issue of works order: 2 October 2016 Specified completion date: 29 January 2017 Actual completion date: 14 February 2017 (a 16-day delay) Works order value#: $330 Liquidated damages#: $2
2017	(The only case in the year involving “liquidated damages”) Public toilet works item: Tung Ping Chau Public Toilet – repairing damaged wood veneer of external walls Date of issue of works order: 16 July 2017 Specified completion date: 14 August 2017 Actual completion date: 9 November 2017 (an 87-day delay) Works order value#: $49,000 Liquidated damages#: $11,465	
2018	(The only case in the year involving “liquidated damages”) Public toilet works item: In Kui Lane Public Toilet – replacing damaged nullah decking	

	Date of issue of works order: 1 November 2018 Specified completion date: 10 December 2018 Actual completion date: 15 March 2019 (a 95-day delay) Works order value#: $17,200 Liquidated damages#: $1,091	
2019	Public toilet works item: Chung Shun Lane Public Toilet – damaged vanity benchtop Date of issue of works order: 3 July 2019 Specified completion date: 15 September 2019 Actual completion date: 30 September 2019 (a 15-day delay) Works order value#: $120,000 Liquidated damages#: $1,095	Public toilet works item: Gillies Avenue South Public Toilet – repairing electronic water tap and clearing blocked water closet Date of works order: 27 December 2019 Specified completion date: 29 December 2019 Actual completion date: 2 January 2020 (a 4-day delay) Works order value#: $250 Liquidated damages#: $13

\# Rounded to the nearest dollar.

5.16 As illustrated by the eight cases in **Table 12**, as ArchSD has to follow the formula set out in the WBTC No. 4/2003 in determining the daily rate of liquidated damages by calculating the loss on the Government's capital investment and the supervisory cost for the works per day resulting from the contractor's delay in works completion (see **para. 5.13**), and liquidated damages are pegged to the works order value, the higher the value of the works order, the higher the amount of liquidated damages, and vice versa. The calculation already factors in the loss in the Government's capital investment and the supervisory cost for the works **per day** resulting from the contractor's delay. Nevertheless, we find that the amount of liquidated damages tended to be insignificant because of the low works order values. Take for example the case involving the lowest amount of liquidated damages in 2015. The repair works, which should have been completed within 31 days (from 19 March 2015 to 18 April 2015), was only completed after a 125-day delay. Owing to the low works order value of $320, the liquidated damages were only $54. Likewise, in the case involving the lowest amount of liquidated damages in 2016, the contractor just paid $2 for a delay of 16 days because the works order value was only $330. Delay in works completion would cause partial closure of public toilet

facilities and bring inconvenience to users. Liquidated damages of insignificant amounts can hardly reflect the severity of the delay involved or exert adequate deterrent effect on contractors.

6

COORDINATION AND COMMUNICATION BETWEEN FEHD AND ARCHSD ON REPAIR, MAINTENANCE AND REFURBISHMENT OF PUBLIC TOILETS

PUBLIC TOILET REPAIR AND MAINTENANCE

6.1 Under the terms and conditions of service contracts, FEHD contractors have to undertake the repair and maintenance of items specified in the contracts. Other non-specified items would be referred to ArchSD for follow-up action by its contractors. FEHD follows the procedures below in referring repair and maintenance cases of public toilet facilities to ArchSD:

- First of all, FEHD would confirm whether the damaged item is a repair and maintenance item specified in the service contracts (see **para. 2.29**). If it is, it would notify the contractor to carry out repair and maintenance in accordance with the contract.

- If the damaged item is not under the contractor's responsibility, or is a facility in a directly managed toilet, FEHD would report to ArchSD's Hotline Centre and submit a repair and maintenance request (see **para. 3.9**).

6.2 Upon FEHD's referral, ArchSD would assign a reference number to the case for record and future enquiries. However, it need not report progress of individual cases to FEHD. Should FEHD wish to know case progress, it would have to enquire with ArchSD quoting the reference number. Once repair and maintenance

is completed, the ArchSD contractor would notify FEHD for record and confirmation.

6.3 Starting the second quarter of 2019, FEHD, ArchSD and the Electrical and Mechanical Services Department have jointly developed a mobile application that links up their computer systems, including that of the Hotline Centre, for sharing such information as dates and progress of repair and maintenance works. The mobile application allows effective information sharing between FEHD and ArchSD and enhances information transparency. The system also records such information as the dates and time of discovering defects and submitting repair requests for statistical analysis. FEHD would submit repair requests to ArchSD through the mobile application and monitor works progress to expedite the work flow and inter-departmental communication concerning public toilet repair and maintenance.

6.4 As at November 2019, FEHD had launched in the Southern District, Mongkok District and Sai Kung District a trial scheme for implementing the above mobile application, called "minor works order record system", . The scheme was subsequently extended to all the 19 districts in the territory in March 2020. FEHD noted that the "minor works order record system" enables effective information sharing between FEHD and ArchSD, enhances information transparency, facilitates submission of repair reports, strengthens monitoring of repair progress and improves recording of information relating to repairs works.

PUBLIC TOILET REFURBISHMENT

6.5 Under the Refurbishment Programme introduced by FEHD in 2000, the Department would draw up the list of toilets for refurbishment according to the following criteria:

(1) outdated designs and never underwent complete refurbishment;
(2) poor internal repairs;
(3) high utilisation rates (daily visitor counts at 300 or above); and
(4) located at scenic hotspots or tourist sites.

6.6 Before implementing the Refurbishment Programme in 2019/20, FEHD would submit to ArchSD every year the number of public toilets recommended for refurbishment and a list of the toilets to be refurbished. Public toilet refurbishment projects are funded by appropriation under subhead 3004GX of the Capital Works Reserve Fund. The number of public toilet refurbishment projects to be approved each year depends on the amount of funding for the year and is not fixed.

6.7 FEHD may, on a case-by-case basis, consult the relevant departments (such as ArchSD) and the stakeholders before commencement of a public toilet refurbishment project with a view to facilitating ArchSD's planning and design.

Generally speaking, prior to project planning, FEHD would consult the local District Council ("DC") and the stakeholders, including residents in the vicinity and community leaders. The Department would take into consideration and accommodate as far as practicable their views on matters such as the number and allocation of toilet compartments and wash hand basins, provision of special accessible facilities, the number and locations of mobile toilets to be provided while refurbishment is underway. Once the details of a refurbishment project are confirmed, FEHD would provide briefing documents and report the contents of the project to the local DC, and then commence the project after the DC's consent has been obtained.

6.8 Besides, FEHD would consult the Legislative Council ("LegCo") on matters relating to the planning, installation and management policies of public toilets. For instance, in April 2019, it consulted and submitted a discussion paper to LegCo's Panel on Food Safety and Environmental Hygiene on toilet refurbishment projects for the coming five years.

6.9 In addition to consulting DCs and LegCo, FEHD has since April 2018 established regular communication with the Tourism Commission for the tourism sector's opinions with respect to refurbishment projects for public toilets at tourist sites.

6.10 Furthermore, FEHD maintains communication with non-official organisations. It would consider and make reference to their suggestions and public opinions about public toilet refurbishment. New technologies would be introduced to improve public toilet facilities and management.

6.11 In 2001, FEHD compiled the Handbook on Standard Features for Public Toilets ("Toilet Handbook"), which provides reference standards regarding public toilet design, ventilation facilities and lighting, as well as guidance on the configuration, installation and materials to be used for facilities in public toilets. The Toilet Handbook was updated in 2004 and 2011.

6.12 In carrying out refurbishment works for public toilets, ArchSD would make reference to the Toilet Handbook compiled by FEHD and seek the Department's views. Having regard to the individual circumstances of public toilets, ArchSD would discuss the details with FEHD including the scope and scale of the project, the site conditions and spatial planning, before confirming the design. In the course of discussion, ArchSD would provide expert opinions on the overall layout, exterior, colour scheme and materials to be used.

6.13 Report No. 73 of the Director of Audit (published in October 2019) points out that some public toilets have not undergone refurbishment for a long time. As at September 2020, among the 808 public toilets managed by FEHD, 65 (8%) had not been included in the Refurbishment Programme during the past ten years.

6.14 According to information provided by FEHD during our investigation, between 2000 and 2019 (i.e. 20 years), 355 public toilets (43%) were refurbished. In other words, around 18 toilets were refurbished per year on average. At our request, the Department provided the names of the two public toilets that have not undergone refurbishment for the longest period of time and showed us their present condition. Details are in **Table 13**.

Table 13: Public toilets not refurbished for the longest period of time (as at 2019)

	Name of public toilet	Period of time not refurbished	Present condition of the toilet
1.	Queen's Road Central Public Toilet	21 years	The Queen's Road Central Public Toilet has been included in the Refurbishment Programme. It is located on the ground floor of a private commercial building. Since the refurbishment design would involve alterations to the common areas of the building, FEHD and ArchSD have held multiple discussions with the building owner. The owner, however, refused to accept the alterations proposal. After repeated studies, FEHD decided that instead of the original refurbishment plan, refurbishment works be carried out without altering the structural walls and the original layout of the toilet. The refurbishment works commenced in September 2020 and were completed in April 2021.
2.	Tseung Kwan O Village Public Toilet	18 years	The Tseung Kwan O Village Public Toilet has been included in the Refurbishment Programme. Refurbishment works commenced in May 2020 and was completed in March 2021.

6.15 As shown in **Table 13,** the two public toilets that have not been refurbished for the longest period of time had been left as they were for the past 21 and 18 years. Photos taken by ArchSD at the Queen's Road Central Public Toilet in February 2017 before its refurbishment show that it was relatively dark inside with dilapidated facilities. Rust in some metal fittings (such as soap dispensers) had left stains on the wall.

Queen's Road Central Public Toilet, February 2017
(Source: ArchSD)

Photo 24



Photo 25

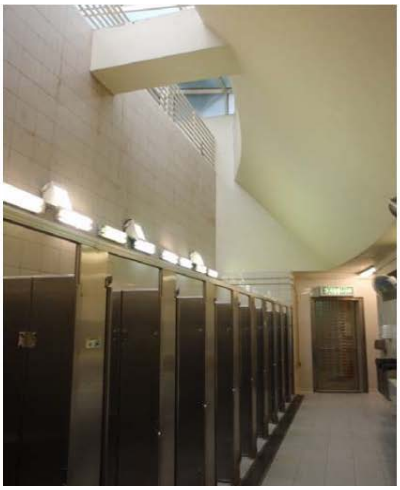


Photo 26



6.16 In 2018/19, FEHD's proposal to enhance the Refurbishment Programme was incorporated into the Budget. A total of 240 public toilet refurbishment or improvement projects were put forward for the five years beginning 2019/20, obtaining more than $600 million in Government funding. Details are shown below.

Table 14: Schedule for the Refurbishment Programme (2019/20 to 2023/24)

Year	2019/20	2020/21	2021/22	2022/23	2023/24	Total
No. of public toilets to undergo refurbishment or improvement	42	49	50	50	49	240

6.17 **Table 14** shows that with increased Government funding, 42 to 50 public toilets would be included in the Refurbishment Programme each year between 2019/20 and 2023/24 (i.e. 48 toilet per year on average), reflecting an increase over the 18 public toilets refurbished per year on average for the nine years between 2010/11 and 2018/19 (see **para. 6.14**). Nevertheless, even at this rate, each of the 808 public toilets across the territory can only undergo refurbishment (excluding routine repair and maintenance) roughly once every 17 years, albeit with increased Government funding for including more public toilets in the Refurbishment Programme.

7

COMMENTS AND RECOMMENDATIONS

OVERVIEW

7.1 Clean and properly maintained public toilets and related facilities can bring much convenience to the public and tourists, and help boost Hong Kong's reputation and image. Statistics of the Hong Kong Tourism Board show that between January and December 2019, Hong Kong welcomed as many as 55,912,609 visitor arrivals[7]. Public toilets of unsatisfactory cleanliness with poorly maintained facilities would inconvenience the public and tourists alike, and even affect the latter's impression of Hong Kong.

7.2 As at September 2020, there were 808 public toilets across the territory under FEHD's management. Public toilets are one of the main public facilities in Hong Kong and many are heavily utilised. To keep public toilets clean and hygienic, users should of course be self-disciplined and observe relevant rules; while FEHD, its contractors and ArchSD, which is responsible for the routine repair and maintenance of public toilets, should endeavour to keep public toilet facilities in good and clean condition all the time. Take the Yen Chow Street Public Toilet in Sham Shui Po as an example. Its facilities are brand-new after refurbishment. Nevertheless, on the day of our site visit, we found that despite all the efforts of the frontline cleansing workers, cleanliness of the toilet was still spoiled by individual users who paid no heed to hygiene after use (see **para. 2.27**).

7.3 In recent years, FEHD has been introducing new technologies and measures for improving the environmental hygiene and facilities of public toilets. Yet, there is no lack of media reports about the poor hygiene and dilapidated facilities in some public toilets, with defective items pending repair. Such reports point to room for improvement in the Government's mechanism and efforts in respect of public toilet management and repair. This direct investigation has identified the following areas for improvement in the Government's management and maintenance of public toilets in respect of cleansing services, repair and refurbishment.

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[7] Source: the Tourism Board website: https://securepartnernet.hktb.com/filemanager/intranet/pm/VisitorArrivalStatistics/ViS_Stat_C/ViS_C_2021/Tourism%20Statistics%2001%202021.pdf

COMMENTS

(I) INADEQUATE DEFINITION FOR "HIGH-UTILISATION PUBLIC TOILETS"

7.4 The utilisation rate of public toilet is a key factor for FEHD in determining the level of resources deployed on cleansing services for toilets and its decision whether to include a toilet in the Refurbishment Programme. Public toilets with 300 visitors or more a day are classified as "high-utilisation public toilets" by FEHD. The contractors concerned are required to deploy toilet attendants to station at those toilets (see **para. 2.4**). For public toilets not in the "high-utilisation" category, FEHD would provide routine cleansing services via cleansing workers employed by contractors. Nevertheless, with regard to utilisation rates, FEHD did not have a consistent counting method in the early years. It was not until 2018 that the Department engaged a service provider to conduct visitor counting at public toilets. The exercise was then extended to cover 795 public toilets in 2019 to gauge the number of visitors (see **para. 2.7**).

7.5 All public toilets with 300 visitors or more a day are classified by FEHD as "high-utilisation public toilets". We have analysed the data in FEHD's statistical report on the public toilet visitor counting exercise conducted in 2019 (see **para. 2.8** and **Table 2**) and found a total of 248 "high-utilisation public toilets" (i.e. 31% of all public toilets). Among them, 101 (or 41% of all "high-utilisation public toilets") registered 1,000 visitors or more a day; while 15 (or 6% of all "high-utilisation public toilets") registered 3,000 or more a day, which was 10 times the benchmark for "high utilisation" (being 300 visitors a day). In terms of maintenance, repair, inspections and refurbishment, we consider it unreasonable for FEHD to have treated all the "high-utilisation public toilets" with 300 visitors or more a day in the same way.

7.6 This Office is of the view that FEHD should review the definition of "high utilisation" and its mechanism of putting public toilets into three categories. It should conduct a comprehensive analysis of the utilisation rates of all public toilets so as to identify those requiring special treatment, and then adopt different management and planning measures from the others. For instance, FEHD should, on a need basis, require more workers to be deployed for routine cleansing, and increase the frequency of deep cleansing operations and inspections. For further improvement, FEHD should collate statistics that include demographic data and tourist number, as well as the scale and visitor count of individual public toilets in each district, and deploy resources properly and flexibly according to actual circumstances in order to enhance public toilet planning and management.

(II) LACK OF ANALYSIS ON DEFAULTS BY CONTRACTORS

7.7 With respect to outsourced toilets, FEHD monitors the performance of contractors in accordance with the service contracts, which contain specific

performance indicators for various service items. Contractors rendering sub-standard cleansing services would be issued DNs and have their monthly service fees deducted by the local DEHO (see **paras. 2.13 and 2.14**). They will face the same consequences if they fail to complete a repair and maintenance item at the specified public toilet within 24 hours (see **para. 2.31**).

7.8 The various DEHOs under FEHD maintain separately their own records on the issuance of DNs to contractors. They would conduct statistical analysis on those records where necessary. Nevertheless, they need not submit those records to the FEHD Headquarters, which has not in turn compiled or analysed the relevant records on a territory-wide basis (see **paras. 2.18 and 2.32**). Consequently, the FEHD Headquarters hardly knows the number of contractors having rendered sub-standard cleansing services, which contractors are the more frequent offenders, and the reasons for their non-compliance with service requirements. As the management department of public toilets, FEHD should strengthen its analysis on the problems and devise specific improvement measures to enhance the effectiveness of its monitoring system.

7.9 As for inspections, FEHD concentrates its resources on "high-utilisation public toilets" with toilet attendants. Inspections at "low-utilisation public toilets" have been less frequent, and inspections at remote public toilets have been infrequent and less than once a day (see **para. 2.23**). We consider FEHD's practice reasonable owing to resource constraints. However, FEHD should not overlook public toilets not in the "high-utilisation" category and those located in remote areas. While public toilets in remote areas may have fewer visitors on normal days, their utilisation rates would rise sharply when people flock to the suburbs on holidays. We notice that in the past, the SHIs of DEHOs had the discretion on inspection frequencies for public toilets located in remote areas, and the FEHD had not issued any guidelines on the minimum frequency and number of inspections for those public toilets. This might result in variance in the number of inspections and some public toilets in remote areas might have been left uninspected for too long. We note that FEHD has made improvement by implementing revised internal guidelines in January 2021 that stipulate inspections at public toilets in remote areas be conducted at least once every 10 working days (see **para. 2.21**).

(III) UNSATISFACTORY MANAGEMENT SYSTEM FOR DIRECTLY MANAGED TOILETS

7.10 Performance indicators for outsourced toilets (such as the cleanliness level must be at Grade A) (see **paras. 2.10 and 2.11**) are not applicable to directly managed toilets (see **para. 3.2**). With respect to outsourced-public toilets, FEHD may issue DNs to contractors and deduct their monthly service fees in case the contractors' services have fallen short of contract requirements (see **paras. 2.14 and 2.31)**. However, in respect of directly managed toilets, no objective performance indicators have been set by FEHD for its beat sweepers or Foremen (see **para. 3.2**).

7.11 FEHD explained that performance of cleansing workers is supervised by Foremen, who would directly instruct the workers to redo the cleansing tasks properly if the cleanliness level is found not satisfactory during inspections. Nevertheless, there are no objective indicators on the "proper" or "satisfactory" level of performance (see **para. 3.3**). Data provided by FEHD show that between January and September 2020, with respect to the 198 directly managed toilets, no cleansing workers or Foreman had attended discipline hearing or been punished in accordance with the civil service disciplinary mechanism because of unsatisfactory performance in rendering cleansing services for directly managed toilets. Complaint data (see **Table 7**), on the other hand, reveal that around 8% to 12% of complaint cases every year (involving issues such as public toilet cleanliness and repair) were related to directly managed toilets. We believe that occasional sub-standard performance of frontline workers is only to be expected, and FEHD would issue DNs to contractors when their employees have been delinquent in their duties. That FEHD data showing there being zero number of cases in which FEHD cleansing staff had underperformed (see **para. 3.4**) may mean that all the cleansing staff had been performing satisfactorily, or that the data simply could not reflect the actual situation. FEHD should make reference to its mechanism for monitoring contractors and formulate specific service indicators for compliance by its cleansing workers.

7.12 Furthermore, among the 198 directly managed toilets we found that five[8] belong to the "high-utilisation public toilets" category, but FEHD had not deployed any toilet attendants there. Without toilet attendants providing immediate cleansing services, it would be really difficult to maintain hygiene at these heavily used public toilets. FEHD should consider deploying toilet attendants to those toilets.

(IV) FAILING TO UTILISE COMPLAINT DATA FOR ENHANCING MANAGEMENT EFFECTIVENESS

7.13 FEHD previously did not collate or compile statistics on complaints relating to public toilets (see **para. 4.2**). It had never analysed comprehensively such aspects as which public toilets having received the most complaints, the complaint frequencies and details. It was not until June 2020 that the Department enhanced its complaint information management system upon the recommendation by the Audit Commission (see **para. 4.3**). We consider that FEHD should analyse the crux of the problems and areas for improvement by examining the details of complaints, including details of dilapidated facilities, poor cleanliness of premises, or unsatisfactory performance of cleansing workers. By looking into the locations of the public toilets under complaint, the time and frequencies of complaints, and the responsible contractors, the Department can understand the problems better and take specific improvement measures. Take the public toilets in the Yuen Long District, which have received more complaints, as an example. Our site visits at

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[8] Located in Tsuen Wan, Tuen Mun and Yuen Long, those 5 high-utilisation public toilets are namely the Sam Dip Tam Tsuen Public Toilet, Tuen Tsz Wai Lam Tei Vegetable Market Office Public Toilet, So Kwun Wat Lee Uk Tsuen Public Toilet, Kei Lun Wai Public Toilet and Tsang Uk Tsuen Public Toilet.

those public toilets in March 2021 found that they were bugged by problems like dirtiness, unpleasant odours and defective facilities that had not been properly dealt with (see **para. 4.5**). In this light, FEHD should collect data and analyse the crux of the problems in order to map out long-term solutions.

(V) ACTIONS AGAINST VANDALISM AT PUBLIC TOILET FACILITIES SHOULD BE STRENGTHENED

7.14 Both FEHD and users have the responsibility to maintain the hygiene and cleanliness of public toilets. The Department's efforts in stepping up publicity and public education, as well as exploring ways to upgrade public toilet facilities are commendable and should continue, so that the management and environmental hygiene of public toilets can be improved. **Table 8** shows that cases of vandalism at public toilets have surged between 2015 and September 2020: from only zero to one case between 2015 and 2017, to 13 and 89 cases in 2018 and 2019 respectively. The first nine months of 2020 also saw 46 cases of vandalism at public toilets. Regarding such acts of vandalism, FEHD should explore ways to tackle them more proactively. It can, for example, conduct a comprehensive analysis of the problem (such as the location, time and nature of the incidents) with a view to finding solutions and improvement strategies. In addition, it should strengthen communication with law enforcement departments by sharing with them the information it has collected and its analysis of the cases to facilitate more robust enforcement and formulation of stronger security measures.

(VI) MECHANISM FOR MONITORING CONTRACTORS NEEDS IMPROVEMENT

7.15 In addition to repair and maintenance for public toilets, the service contracts between ArchSD and contractors also stipulate the latter's maintenance duties for other government departments. ArchSD monitors the performance of its contractors in accordance with the guidelines promulgated by the policy bureau. (see **paras. 5.2–5.4)**.

7.16 ArchSD has an established mechanism for monitoring contractors' progress in public toilet repair and maintenance works, each of which must be completed by the specified completion date (see **para. 5.7**). As can be seen from **Tables 10 and 11**, the vast majority of public toilet works taken up by ArchSD contractors had been completed within the specified timeframe. Only a handful of cases each year involved delay and resulted in "liquidated damages" being imposed on the contractors concerned.

7.17 Yet, our investigation found that in cases involving serious delays by contractors, the amount of "liquidated damages" demanded by ArchSD pursuant to the terms and conditions of the Government's public works contracts was not that high. A works order of low value would mean a smaller amount of liquidated damages to be imposed, even in cases involving prolonged delay. The cases in

Table 12 show that a contractor was demanded to pay only $54 in liquidated damages for a delay of 125 days in a works order, while another just paid $2 for a delay of 16 days. We are of the view that delay in works completion would cause partial closure of public toilet facilities and bring inconvenience to users. "Liquidated damages" of insignificant amounts cannot reflect the hidden cost borne by the Government because of works delay, and fail to exert any deterrent effect on contractors (see **para. 5.16**). While only a handful of cases each year involved delay by contractors and a contractor's performance may affect its chance of bidding for future Government contracts, we see serious delays in the repair works for individual public toilets, and the amounts of "liquidated damages" currently demanded by ArchSD have slight deterrent effect on contractors. As such, ArchSD needs to consider setting heavier penalties in its works orders (say, "liquidated damages" at progressive rates based on the duration of delay involved) to prevent persistent delay in works orders.

(VII) FEHD AND ARCHSD SHOULD STRENGTHEN COMMUNICATION ABOUT PUBLIC TOILET REPAIR

7.18 FEHD would request ArchSD to carry out public toilet repair works via ArchSD's "Hotline Centre" (see **paras. 3.9 and 6.1**). After making the request, FEHD would not regularly enquire with ArchSD about works progress, and ArchSD would not regularly update FEHD on works progress either. It was only in April 2019 that the two departments, in conjunction with the Electrical and Mechanical Services Department, developed a mobile application to link up their computer systems for sharing information about dates and progress of repair works (see **paras. 6.3 and 6.4).** We consider it to be the right way forward to use technology and build a communication platform for enhancing efficiency. FEHD and ArchSD should be more proactive in strengthening communication with each other for closer monitoring of progress of public toilet repair works.

7.19 ArchSD received around 10,000 requests annually for public toilet repair from FEHD, and almost 100% of them could be completed by the specified deadline. Delay occurred in only a handful of cases (see **para. 5.7** and **Table 10**). We do not have doubt on the accuracy of the data. In fact, both FEHD's "minor works order record system" and ArchSD's computer system contain records on the dates and time of FEHD discovering the defects, the dates and time of ArchSD receiving FEHD's requests for repair and issuing works orders to contractors, as well as the contractors' completion dates. The data therein are plain and clear (see **paras. 5.11 and 6.3**).

7.20 We agree that the "minor works order record system" can help FEHD record and analyse repair cases referred to ArchSD. Yet, we notice that the effectiveness and smooth operation of the system depend greatly on whether the contractors or staff of FEHD report items pending repair as soon as possible. If they do, repair works can commence promptly; otherwise, there will be delay. FEHD should adopt effective measures to ensure prompt submission of repair requests to

ArchSD upon discovery of items in need of repair.

(VIII) FEHD FAILING TO UPDATE "TOILET HANDBOOK" IN A TIMELY MANNER

7.21 The Toilet Handbook, compiled by FEHD in 2001, provides reference standards regarding public toilet design, ventilation facilities and lighting; as well as the configuration, installation and materials to be used for the facilities in public toilets. The last update of the Toilet Handbook was in 2011 (see **para. 6.11**). In recent years, a lot of improvement measures and new facilities have been introduced in public toilets, but related information has not been incorporated into the Handbook. We consider that FEHD should update the Handbook regularly and in a timely manner, such that it can serve as reference for public toilet refurbishment projects carried out by FEHD and ArchSD.

(IX) FEHD SHOULD ENHANCE CRITERIA FOR PUBLIC TOILET REFURBISHMENT

7.22 The utilisation rates of a public toilet and whether the toilet is located in a major tourist site are two main factors for FEHD to determine whether to include the toilet in the Refurbishment Programme (see **para. 6.5**). Concerning the calculation of public toilet utilisation rates, FEHD did not have a consistent counting method in the past (see **para. 7.4**). It had conducted only one comprehensive visitor counting exercise for 795 public toilets in 2019 (see **para. 2.7**). On the other hand, whether a certain tourist site is a tourist hotspot may also change with time and tourists' preferences. In this connection, FEHD should conduct regular studies and local consultations, and seek the views of the Tourism Commission. Coupled with the statistics on utilisation rates, the Department may determine whether a public toilet is located in a tourist hotspot and should be given priority in resource allocation, and therefore be included in the Refurbishment Programme. This can prevent inappropriate resource allocation for public toilet refurbishment.

(X) PUBLIC TOILET REFURBISHMENT

7.23 We understand that the number of public toilets to undergo refurbishment is determined by the amount of available Government funds. For the five years starting 2019/20, the Government has already allocated more resources so that more public toilets can be included in the Refurbishment Programme. Nevertheless, the progress of public toilet refurbishment has been slow. Only around 48 public toilets are being refurbished each year. At this rate, on average each of the 808 public toilets across the territory would undergo refurbishment approximately only once every 17 years (see **para. 6.17**). FEHD should regularly review the priorities in public toilet refurbishment and identify those toilets that have not undergone refurbishment for a long time and with facilities being dilapidated, in disrepair or breaking down frequently. Where necessary and circumstances permit, FEHD may consider conducting surveys to gauge public views on public toilet services and

refurbishment plan for local public toilets. It may also consider applying for more Government resources so that public toilets accorded higher priority can be included in the Refurbishment Programme.

RECOMMENDATIONS

7.24 In light of the above, The Ombudsman has made the following recommendations to FEHD and ArchSD:

FEHD

(1) review the current mechanism in a timely and realistic manner, and collate information that includes demographic characteristics and tourist number of various districts, as well as the visitor counts of individual public toilets, so that resources can be allocated properly and flexibly for improving public toilet planning and management (see **paras. 7.4–7.6**);

(2) conduct comprehensive statistical analysis on cases involving issuance of DNs to contractors and deduction of monthly service fees related to public toilet cleansing services with a view to identifying inadequacies and introducing specific improvement measures (see **paras. 7.7 and 7.8**);

(3) continue to step up inspections at outsourced toilets, including those in the suburbs that may have more visitors on holidays (see **para. 7.9**);

(4) draw up specific performance indicators for directly managed toilets for compliance by the Department's frontline staff (see **paras. 7.10 and 7.11**);

(5) consider deploying toilet attendants to directly managed toilets with high-utilisation rates so that their cleanliness level can be maintained (see **para. 7.12**);

(6) continue with the statistical analysis on public toilet related complaints and make better use of the data for improving public toilet management (see **para. 7.13**);

(7) continue to strengthen publicity and education to address the problem of vandalism at public toilet facilities, and maintain communication with law enforcement departments for exploring solutions. For example, it may send them the information it has collected and its analysis of vandalism cases to facilitate more

robust enforcement (see **para. 7.14**);

(8) update the Toilet Handbook regularly and in a timely manner so that it can serve as reference for public toilet refurbishment projects carried out by FEHD and ArchSD (see **para. 7.21**);

(9) continue with the timely reviews on utilisation rates, conduct consultations and make use of relevant statistics to determine whether a public toilet remains in a tourist hotspot; re-examine whether there are public toilets that have not undergone refurbishment for a long time, with facilities dilapidated or frequently breaking down, and consider whether such public toilets should be given higher priority in resource allocation and included in the Refurbishment Programme (see **paras. 7.22 and 7.23**);

ArchSD

(10) assess the feasibility of raising penalties specified in works orders for exerting greater deterrent effect on contractors involved in delay in works completion (see **para. 7.17**); and

FEHD and ArchSD

(11) continue to strengthen proactive communication with each other for closer monitoring of progress in public toilet repair works, and implement effective measures to ensure that requests for repair at public toilets are promptly submitted to ArchSD upon discovery of the items in need of repair (see **paras. 7.18–7.20**).

ACKNOWLEDGEMENTS

7.25 The Ombudsman would like to thank FEHD and ArchSD for their full cooperation during this investigation.

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